



Appeal Decision

Site visit made on 7 October 2021

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 01 November 2021

Appeal Ref: APP/K2230/W/21/3270035
29 Istead Rise, Gravesend DA13 9JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Simon Rumsey against the decision of Gravesham Borough Council.
 - The application Ref: 20201112 dated 13 August 2020, was refused by notice dated 5 January 2021.
 - The development proposed is outline application with all matters reserved for the erection of a detached 1 no. bedroom bungalow in the rear garden
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development sets out the proposed development together with further information about the proposal. Whilst I have taken all these matters into account, there is no need for me to record all this additional information in the description of development.
3. The application is submitted in outline with all matters reserved for subsequent approval.
4. Since the appeal was submitted and all representations completed, the National Planning Policy Framework (Framework) has been updated in July 2021. The Council submitted comments in respect of the changed paragraph numbering of the Framework, as relevant to the appeal. The Appellant has been offered an opportunity to comment on the updated Framework, and its relevance to this case, but no further comments have been received. All references in this decision are to the July 2021 Framework.

Main Issues

5. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the local area,
 - b) Whether the proposal would create satisfactory living conditions for future occupiers as well as the effect of the proposal on the living conditions of the surrounding neighbours, and

- c) The effect of the proposal on interests of ecological importance.

Reasons

Issue a) Character and Appearance

6. The appeal site relates to part of the rear garden serving No 29 Istead Rise, which is on the corner of Istead Rise with Lesley Close. The appeal site would front onto Lesley Close. It is within a predominantly residential area of both single storey and two storey properties. There are a variety of plot sizes and spacing between properties but there is a generally verdant appearance to the local area. Given the residential nature of the local area, there is no issue with the principle of development, and the Council has raised no issue in this regard.
7. The proposal would divide the rear garden of the host property to create a separate plot fronting onto Lesley Close for a one bedroomed bungalow. As the proposal is in outline, there is only an indicative block plan showing a possible siting for the proposed dwelling. Although the indicative block plan shows how the proposed property would be set back in line with No 1 Lesley Close, the overall plot size would be visibly smaller than surrounding plot sizes in terms of its overall dimensions. The block plan suggests that the new dwelling would be tight to both side boundaries. Given the narrow width of the plot, the proposed dwelling, if built across almost the full width of the plot, would appear very cramped and an over development of the plot; this would be out of character with the more spacious pattern of development generally found in the surrounding area.
8. I have taken into account the two dwellings opposite the appeal site which are later additions and on relatively narrow plots. However, I do not consider that the proposal would be similar to these two dwellings in terms of overall plot size and relationship with the surrounding properties, including on Istead Rise.
9. The Appellant has contended that this would be an efficient use of land in accordance with guidance in the Framework, but it is my view that the development would appear cramped and contrary to the general pattern of development in the local area.
10. I therefore find that the proposal would harm the character and appearance of the local area. This would conflict with Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy (Core Strategy) and Section 12 of the Framework, all of which amongst other things seek a high standard of design which respects the local context.

Issue b) Living Conditions

11. As the application has been submitted in outline, it is not possible to be definitive about the position of windows in the proposed dwelling and the relationship with neighbouring properties. However, I share the Council's view that given the very close relationship of the proposed dwelling to the surroundings properties, including Nos 27 and 29 Istead Rise and No 1 Lesley Close, as well as the change in levels, it would be difficult to design out some overlooking from windows in the proposed house and its rear garden towards adjoining properties, and in particular No 27 Istead Rise. Similarly, there would be likely to be some overlooking and loss of privacy for the residents of the

new dwelling, and particularly their rear amenity area from windows in surrounding properties, and especially from No 29 Istead Rise.

12. It might be possible to reduce some of these concerns with the nature of the boundary treatment to the new property but given the small size of the site, I am concerned that a resolution to the concerns of overlooking and loss of privacy would lead to an oppressive environment for the future occupiers in terms of outlook and enclosure.
13. On the basis of the very limited information before me, I am not satisfied that the proposed new dwelling would be able to provide satisfactory living conditions for the future occupiers, with particular regard to overlooking and loss of privacy, outlook and enclosure. I am also not satisfied that the proposal would not harm the living conditions of neighbouring residents through overlooking and loss of privacy. This would conflict with Policy CS19 of the Core Strategy and Paragraph 130 of the Framework, which amongst other things seeks to protect the amenities of existing and future residents.

Issue c) Ecology

14. I am advised that appeal site lies within 6km of the North Kent Marshes SPA/Ramsar sites and that as a result the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal SPA/Ramsar sites from recreational disturbance on the over-wintering bird interest. The Conservation of Habitat and Species Regulations 2017 require competent authorities before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site, alone or in-combination with other plans or projects.
15. I have very limited information before me regarding the steps taken by the Council, although the Council has confirmed that in accordance with advice from Natural England, an appropriate tariff per new dwelling should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries.
16. Whilst I do not doubt, in the basis of the representations before me, that the Appellant would be prepared to make the necessary contribution, no such contribution appears to have been made, nor a legal agreement submitted to provide for a contribution in the event of planning permission being granted.
17. I cannot therefore be satisfied on the very limited information before me from the Council as well as the absence of any contribution from the Appellants that there would not be a significant adverse effect on the SPA / Ramsar sites. The development would therefore be in conflict with Conservation of Habitat and Species Regulations 2017 and is contrary to paragraphs 180 and 181 of the Framework and Policy CS12 of the Core Strategy in this regard.

Other Considerations

18. The Appellant has drawn my attention to two other permissions granted in the local area for new residential development, which he considers are comparable with this proposal. Each proposal must be considered on its individual merits but I have nonetheless taken these other decisions into account. However, I am not persuaded that these other decisions are directly comparable with the

proposal before me in terms of plot size and relationship to surrounding properties, and they do not persuade me to a different decision.

Planning Balance and Conclusion

19. The Council has confirmed that it is unable at the current time to provide a 5 year supply of housing land. Consequently, Paragraph 11(d) of the Framework is engaged. Paragraph 60 of the Framework refers to the government's objective to boost significantly the supply of housing, and paragraph 69 confirms that small and medium sized sites can make an important contribution to meeting the housing requirements of an area. In this instance, the proposal would contribute one additional unit. When judged against some of the core planning principles the proposal would perform well in that there would be facilities within reasonable proximity. However, good design and creating a well-designed built environment, ensuring a satisfactory living environment for existing and future residents, as well as protecting ecological interests are also key aspects of sustainable development.
20. In terms of its component dimensions there would be a small social benefit in providing one extra housing unit. Economic advantages would also arise from the construction and occupation of the new house.
21. However, the harm identified to the character and appearance of the area, to the living conditions of residents and interests of ecological importance with particular reference to the integrity of SPA / Ramsar sites would each and cumulatively be significant and as a result the social and environmental roles of sustainable development would not be achieved. When assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development.
22. I have found that the proposal would conflict with the development plan when taken as a whole. There are no other considerations, including the advice of the Framework, that outweigh that conflict.
23. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR